

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PITTSBURGH PIPE & SUPPLY CORP.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23 CV 959 RWS
)	
VIVIAN UTLEY-WHEELER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

As plaintiff has unequivocally and affirmatively waived its right to raise any procedural defects to the removal of this action (ECF 11), this removed case is properly before the Court on diversity jurisdiction despite the fact that it was removed 31 days after service upon the removing defendant. *See Pender v. Bell Asbestos Mines, LTD.*, 145 F. Supp. 2d 1107, 1110 (E.D. Mo. 2001) (28 U.S.C. § 1446(b) requires defendant to remove within thirty days after service of petition; however, § 1446(b) is not jurisdictional); *Holbein v. TAW Enterprises, Inc.*, 983 F.3d 1049, 1053 (8th Cir. 2020) (nonjurisdictional defects in removal are waivable and do not deprive court of subject matter jurisdiction).

Accordingly,

IT IS HEREBY ORDERED that this case will be set for a Rule 16 scheduling conference by separate Order.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of August, 2023.